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C O N F I D E N T I A L SECTION 1 OF 5 BRASILIA 7203

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EO 11652 GDS
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SUBJECT: DRAFT HUMAN RIGHTS EVALUATION REPORT ON BRAZIL

REF: ZIMMERMAN LETTER TO ARENALES DATED JULY 13, 1977; STATE
204237

1. EMBASSY'S SUGGESTIONS ARE INCORPORATED INTO FOLLOWING REVISION
OF DRAFT HUMAN RIGHTS EVALUATION
REPORT ON BRAZIL ENCLOSED WITH REFERENCE LETTER:

2. QUOTE.

A. CONDITION OF HUMAN RIGHTS IN BRAZIL

1. RESPECT FOR THE INTEGRITY OF THE PERSON INCLUDING FREEDOM
FROM: A. TORTURE; AND B. CRUEL, INHUMAN OR DEGRADING PUNISHMENT;
C. ARBITRARY ARREST AND IMPRISONMENT; D. DENIAL OF FAIR AND PUBLIC
TRIAL; AND E. INVASION OF THE HOME:

A. TORTURE:

SERIOUS ABUSE, PERHAPS EVEN TORTURE, CONTINUE IN BRAZIL. IN THE
PAST, THE MOST NOTABLE CASES OF TORTURE AND SEVERE MISTREATMENT
OCCURRED IN CONJUNCTION WITH THE INTERROGATION BY AUTHORITIES
OF SUSPECTS IN NATIONAL SECURITY INVESTIGATIONS. SINCE EARLY
1976, HOWEVER, THERE HAS BEEN A SIGNIFICANT REDUCTION IN THE
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FREQUENCY AND SEVERITY OF ABUSES REPORTED IN SUCH CASES. "MARGINAL"
ECONOMIC GROUPS IN BRAZILIAN SOCIETY, DEPRIVED OF EQUAL TREATMENT
UNDER THE LAW, ROUTINELY SUFFER POLICE BRUTALITY. POLICE ARE OFTEN
ILL TRAINED, NOT ALWAYS UNDER EFFECTIVE DISCIPLINE, AND SOMETIMES
CORRUPT. THE MURDER VICTIMS OF "DEATH SQUADS" --CLANDESTINE
GROUPS OF OFF-DUTY POLICEMEN WHO PREY MOSTLY ON COMMON CRIMINALS--
SHOW EVIDENCE OF TORTURE. SEVERAL MEMBERS OF THE CLERGY SUPPORTING

THE URBAN POOR AND POOR FARMERS IN THE INTERIOR HAVE BEEN KILLED OR MISTREATED BY BOTH LOCAL FEDERAL AUTHORITIES. IN A SURGE OF ACTIVITY

IN LATE 1976 AND EARLY 1977 RIGHT WING EXTREMISTS, WHO HAD BECOME RESTIVE UNDER SOME OF PRESIDENT GEISEL'S PREVIOUS LIBERALIZING EFFORTS, CARRIED OUT NON-FATAL BOMBINGS AND KIDNAPPINGS AGAINST GROUPS WHICH ADVOCATE A RETURN TO INSTITUTIONALIZED SAFEGUARDS OF HUMAN AND POLITICAL RIGHTS.

SECTION A (1) B: NO CHANGE.

C. ARBITRARY ARREST OR IMPRISONMENT:

CASES OF ARBITRARY ARREST AND DETENTION HAVE OCCURRED. ALTHOUGH IN MOST CASES POLITICAL DETAINEES HAVE EVENTUAL ACCESS TO LEGAL COUNSEL AND DUE PROCESS IN MILITARY COURTS (BOTH TRIAL AND APPELLATE), EFFECTIVE LEGAL REDRESS FOR VIOLATIONS OF THEIR RIGHTS, PRINCIPALLY THOSE OCCURRING IN THE INITIAL PHASES OF ARREST AND DETENTION, IS VERY OFTEN LACKING. THE NATIONAL SECURITY LAW (DECREE LAW 898), PUT INTO EFFECT BY EXECUTIVE DECREE, GIVES THE AUTHORITIES BROAD POWERS IN MAINTAINING AND PROTECTING THE NATIONAL INTEREST --POWERS WHICH ARE NOT SUBJECT TO JUDICIAL REVIEW BY THE CIVILIAN COURTS.

D. DENIAL OF FAIR PUBLIC TRIAL:

SOME PERSONS DETAINED FOR POLITICAL OFFENSES HAVE NOT BEEN BROUGHT TO TRIAL. A MILITARY TRIBUNAL EXERCISES LEGAL JURISDICTION OVER POLITICAL SUBVERSION CASES WHICH ARE TRIED AND, IN THOSE INSTANCES, CONFIDENTIAL

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NORMAL DUE PROCESS GUARANTEES ARE GENERALLY OBSERVED. (THOSE MAJOR CASES BROUGHT TO TRIAL LAST YEAR ENDED IN THE ACQUITTAL OF A LARGE PORTION, AND VERY PROBABLY A MAJORITY, OF THE DEFENDANTS-- AT EITHER THE TRIAL OR APPELLATE STAGE.)

SECTION A (1) E: NO CHANGE.

2. RESPECT FOR CIVIL AND POLITICAL LIBERTIES.

A. FREEDOM OF THOUGHT, RELIGION AND ASSEMBLY:

POLITICAL PHILOSOPHIES CONSIDERED SUBVERSIVE BY THE GOVERNMENT MAY BE PROSCRIBED UNDER AUTHORITY OF THE NATIONAL SECURITY LAW. FREEDOM OF RELIGION IS OFFICIALLY RECOGNIZED, AND IN PRACTICE, THERE IS NO SIGNIFICANT GOVERNMENT INTERFERENCE IN RELIGIOUS ACTIVITIES, AS SUCH, OR DISCRIMINATION AMONG CULTS. CERTAIN FOREIGN PROSELYTIZING ACTIVITIES ARE APPARENTLY DISCOURAGED BY SLOW APPROVAL OF RESIDENCE VISAS AND SOME SOCIAL ASSISTANCE/ COMMUNITY DEVELOPMENT ACTIVITIES CARRIED OUT BY RELIGIOUS GROUPS (CATHOLIC OR PROTESTANT) HAVE INCURRED THE SUSPICIONS AND OPPOSITION OF AUTHORITIES ON GROUNDS THAT THEY CONSTITUTE "SUBVERSIVE" OR DESTABILIZING POLITICAL ACTIVISM.

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CENSORSHIP CONTINUES, AFFECTING THE ELECTRONIC MEDIA TO A MUCH LARGER EXTENT THAN THE PRINTED MEDIA. HOWEVER, EVEN WITH THE RECENT IMPOSITION OF FORMAL CONTROLS, NOW PARTIALLY RESCINDED (BRASILIA A-112), ON FOREIGN PUBLICATIONS, CENSORSHIP OF THE PRESS IS AT A LOWER LEVEL NOW THAN ANY TIME IN THE PERIOD FROM THE MID 1960S TO 1974. THERE IS ACTIVE PUBLIC DEBATE WITHIN BRAZIL, IN THE LEGISLATURE AS WELL AS IN THE PRESS, OVER HUMAN RIGHTS, POLITICAL LIBERALIZATION AND INSTITUTIONALIZATION OF THE PRESENT SYSTEM.

SECTION EF(2) B: NO CHANGE.

SECTION A (2) C: ADD AFTER LAST SENTENCE: "THAT AMENDMENT WAS FURTHER TIGHTENED BY PRESIDENTIAL DECREE IN JULY."

NOTE: SECTION 3, WAS NOT INCLUDED IN OUR COPY OF THE REPORT.

SECTION 4:

-PARAGRAPH 1: NO CHANGE.
-PARAGRAPH 2: NO CHANGE
- PARAGRAPH 3: THE SUPREME MILITARY TRIBUNAL HAS SERVED AS A POSITIVE FORCE FOR BETTER HUMAN RIGHTS STANDARDS FOR THE PAST
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SEVERAL YEARS. SEVERAL OF THE TRIBUNAL'S RESTIGIOUS MILITARY

MEMBERS HAVE OPENLY QUESTIONED "EXCEPTIONAL" LEGISLATION (EXECUTIVE FIAT) SUCH AS THE NATIONAL SECURITY LAW, AND HAVE SPOKEN OUT IN FAVOR OF A RETURN TO CONSTITUTIONAL GUARANTEES. THEY DESIRE, HOWEVER, FOR THE MOST PART TO INCLUDE EXCEPTIONAL ACTS IN THE CONSTITUTION. IN ITS DECISIONS, THE TRIBUNAL HAS SHOWN CONSIDERABLE INDEPENDENCE AND CONCERN FOR DUE PROCESS AND INDIVIDUAL RIGHTS.

- PARAGRAPH 4: NO CHANGE.

- PARAGRAPH 5: A NUMBER OF PROMINENT HUMAN RIGHTS ADVOCATES HAVE STATED IN PUBLIC REPORTS THAT SINCE EARLY 1976 PERSONS ARRESTED IN SECURITY CASES HAVE FOR THE MOST PART NOT BEEN SUBJECTED TO TORTURE OR HARSH CONDITIONS OF INTERROGATION OR CONFINEMENT. (OTHER CRITICS VIEW THE IMPROVEMENTS AS MORE LIMITED, IN THE SENSE THAT SUSPECTS ARE DETAINED, THE TREATMENT A LITTLE LESS SEVERE). SERIOUS ABUSES CONTINUE TO OCCUR, HOWEVER, ESPECIALLY IN CONNECTION WITH CRIMINAL LAW ENFORCEMENT ACTIVITIES AT THE STATE AND MUNICIPAL LEVELS.

- PARAGRAPH 6: DESPITE THE DEMONSTRABLE EFFORTS OF PRESIDENT GEISEL AND OTHERS, IT IS DIFFICULT TO CHART THE FUTURE COURSE OF HUMAN RIGHTS OBSERVANCE IN BRAZIL. WHILE ABUSES BY STATE AND LOCAL POLICE DO NOT APPEAR TO RESULT FROM CONSCIOUS NATIONAL POLICY OR HAVE THE EXPLICIT APPROVAL OF FEDERAL OR RANKING STATE OFFICIALS, AND THERE HAVE BEEN INSTANCES OF HIGH-LEVEL FEDERAL INTERVENTION OF A POSITIVE KIND, IT IS CLEAR THAT NEITHER THE FEDERAL NOR STATE GOVERNMENTS HAVE SO FAR ASSIGNED HIGHEST PRIORITY TO ELIMINATING THEM. AT THE SAME TIME, THE PROCESS OF INSTITUTIONALIZING STANDARDS OF MORALITY FROM THE TOP IS NOT ONE WHICH LENDS ITSELF READILY TO A RAPID IMPROVEMENT IN A COUNTRY OF THIS SIZE, NOR DOES IT ENSURE AGAINST OCCASIONAL LAPSES OR MORE PERMANENT REVERSALS.

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-PARAGRAPH 7: DELETE "ONE" BEFORE "OVERRIDING GOAL" IN THE FIRST SENTENCE.

SECTION 5:

- PARAGRAPH 1, 2, AND 3: NO CHANGE.

- PARAGRAPH 4: OVER THE PAST DECADE, PRIVATE HUMAN RIGHTS GROUPS, SUCH AS AMNESTY INTERNATIONAL, AND INTERNATIONAL GOVERNMENTAL ORGANIZATIONS, SUCH AS THE INTER-AMERICAN HUMAN RIGHTS COMMISSION, HAVE PUBLISHED VERY CRITICAL REPORTS ON THE BRAZILIAN GOVERNMENT'S HUMAN RIGHTS PRACTICES. WITH THE EXCEPTIONS NOTED ABOVE, THE GOVERNMENT HAS NOT GRANTED PERMISSION TO THESE ORGANIZATIONS, DESPITE REPEATED REQUESTS, TO CARRY OUT IN-COUNTRY INVESTIGATIONS, DESPITE REPEATED REQUESTS, TO CARRY OUT IN-COUNTRY INVESTIGATIONS. THE GOVERNMENT HAS ALSO PUT PRESSURE ON AT LEAST ONE OTHER GOVERNMENT

TO REFUSE A VISIT BY THE IAHCR.

-PARAGRAPH 5: NO CHANGE.

SUMMARY COMMENTS FOR SECTION A

AS DEMONSTRATED IN THIS SECTION, BRAZIL CONTINUES TO HAVE SERIOUS HUMAN RIGHTS PROBLEMS. ON A WORLD SCALE, HOWEVER, BRAZIL DOES NOT AT THE PRESENT TIME BELONG IN THE WORST-CASE CATEGORY OF VIOLATORS.

THE DISPOSITION OF THE PRESIDENT AND SOME OF HIS CLOSE ADVISORS TOWARD IMPROVED RESPECT FOR AT LEAST BASIC RIGHTS TO THE INVIO-

LABILITY OF THE PERSON, THE EFFORTS OF SUCH GROUPS AS THE BRAZILIAN BISHOPS AND THE BRAZILIAN BAR ASSOCIATION, THE OPEN VIGOROUS DISCUSSION OF HUMAN AND POLITICAL RIGHTS IN THE CONGRESS AND THE MEDIA, AND A GENERALIZED BRAZILIAN CONCERN OVER THE COUNTRY'S INTERNATIONAL IMAGE ARE POSITIVE ELEMENTS. THE COUNTER-FORCES AND PRESSURES ARE, HOWEVER, FORMIDABLE AND THE BALANCE IS DELICATE. CONFIDENTIAL

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GIVEN EXISTING ECONOMIC AND POLITICAL UNEASE, THE CURRENT DYNAMICS OFFER LIMITED HOPE FOR NEAR TERM POLITICAL LIBERALIZATION AND NOT ENTIRELY CERTAIN PROSPECTS FOR A CONTINUATION OF THE RELATIVELY IMPROVED SITUATION WITH RESPECT TO THE BASIC RIGHTS TO THE INVIO-

B. ANALYSES AND RECOMMENDATIONS

1. IDENTIFICATION OF LEGITIMATE OBJECTIVES IN RELATIONS TO IMPROVING CONDITIONS IN BRAZIL, WITH RESPECT TO CATEGORIES A-1 THROUGH A13.

A)-B) IMPORTANCE AND FEASIBILITY

A COMPREHENSIVE POSITIVE EVOLUTION OF HUMAN RIGHTS CONDITIONS IN BRAZIL WOULD REQUIRE FIRST THE ELIMINATION OF THE "INSTITUTIONAL ACTS" AND A RETURN TO THE RULE OF LAW. THIS WOULD INCLUDE PROGRESSIVE OPENING OF CHANNELS AND INSTITUTIONS FOR BROADER POPULAR PARTICIPATION IN GOVERNMENT, ESTABLISHMENT OF ABSOLUTE CONSTITUTIONAL GUARANTEES AND RESTORATION OF THE FULL POWER AND JURISDICTION OF THE CIVILIAN COURTS. IN VIEW OF THE CURRENT ECONOMIC AND POLITICAL STRAINS THE GOVERNMENT'S SENSE OF VULNERABILITY AND SUSPICION OF OUR MOTIVEES, SIGNIFICANT DEMO

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CRATIZATION OR INSTITUTION-BUILDING IS UNLIKELY TO OCCUR IN THE
SHORT TERM, WHATEVER OUR EFFORTS.
WITH RESPECT, HOWEVER, TO IMPROVED OBSERVANCE OF THE INTEGRITY
OF THE PERSON, THERE ARE SOME AREAS IN WHICH U.S. AND OTHER
INTERNATIONAL INFLUENCE MAY HELP TO ENCOURAGE IMPROVEMENTS
OR CONSOLIDATIONS OF RECENT LIMITED ADVANCES:
-- UNIVERSALIZING THE PRACTICE OF PROMPT PUBLICATION OF COMPLETE
LISTS OF THE NAMES AND PLACE OF CONFINEMENT OF POLITICAL DETAINEES;
-- CONTINUING THE PRACTICE OF PROVIDING PHYSICAL EXAMINATIONS FOR
SUCH DETAINEES, BUT PERFORMED BY INDEPENDENT MEDICAL EXAMINERS;
-- INCREASED ACCESS TO PRISON AND DETENTION SITES FOR
THE CHURCH OR OTHER RESPONSIBLE BRAZILIAN HUMAN RIGHTS;
--FREQUENT STATEMENTS FROM HIGH GOB OFFICIALS; INCLUDING THE
MILITARY, IN SUPPORT OF HUMAN RIGHTS;
--BETTER TRAINING FOR AND GREATER ADMINISTRATIVE CONTROL OVER
STATE AND LOCAL POLICE FORCES;
--CONTINUED PUBLICATION OF HUMAN RIGHTS ISSUES IN THE MAJOR
BRAZILIAN MEDIA;

LESS LIKELY ARE:
--VIGOROUS PROSECUTION OF MEMBERS OF THE "DEATH SQUADS",
AND THOSE POLICE IMPLICATED IN CORUPTION;
--VIGOROUS INVESTIGATION, PERHAPS BY INDEPENDENT AUTHORITIES,
OF THE OUTSTANDING COMPLAINTS OF POLICE ABUSES.

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C) U.S. LEVERAGE
IN TERMS OF DIRECT AND TANGIBLE PRESSURES, THE AREAS IN
WHICH THE U.S. CAN READILY INVOKE NEGATIVE SANCTIONS OR PROVIDE

POSITIVE INDUCEMENTS ARE RELATIVELY LIMITED. THE AID PROGRAM IS IN A FINAL, PIPELINE, STAGE. THE SECURITY ASSISTANCE PROGRAM IS NOW IN A QUESTIONABLE STATUS SINCE THE BRAZILIANS, IN OPPOSITION TO THE 502 (B) HUMAN RIGHTS REPORTS, HAVE RENOUNCED ANY ASSISTANCE WHICH REQUIRES THESE AS PREREQUISITE. MOREOVER, THE BRAZILIANS MAY NOT DRAW DOWN ON UNAFFECTED FY 1977 FMS CREDITS BECAUSE OF BALANCE OF PAYMENTS PROBLEMS. ATTEMPTS TO INTERFERE WITH EXISTING TRADE, INVESTMENT AND FINANCIAL LINKAGES WITH BRAZIL -- OR BLOCK EXPANSION OF THESE LINKAGES -- WOULD BE HIGHLY PROVOCATIVE AND WOULD, IF RESPONDED TO AT ALL BY THE PRIVATE SECTOR, ENTAIL SERIOUS COSTS TO THAT SECTOR AND RUN US THE RISK OF BROADER DISRUPTIONS OF INTERNATIONAL ECONOMIC/FINANCIAL ARRANGEMENTS.

ON THE POSITIVE INDUCEMENT SIDE, IT IS ALSO HIGHLY DOUBTFUL THAT THE U.S. COULD OR WOULD PROVIDE CONCESSIONS IN THE AREAS DEEMED CRUCIAL TO THE BRAZILIANS: UNRESTRICTED ACCESS TO U.S. MARKETS, INCREASED INVESTMENT AND FINANCING FROM THE PRIVATE SECTOR, AND FULL ACQUIESCENCE IN THE GOB-FRG NUCLEAR AGREEMENT.

OUR EXPERIENCE IN ATTEMPTING TO ENCOURAGE POSITIVE CHANGE IN BRAZIL HAS DEMONSTRATED THE POTENTIAL DOUBLE-EDGED EFFECT OF LINKING HUMAN RIGHTS OPENLY TO OTHER INTERESTS. THERE HAS BEEN NO SIGNIFICANT DIRECT IMPROVEMENT RESULTING FROM LINKING HUMAN RIGHTS CONSIDERATIONS TO SECURITY ASSISTANCE, FOR EXAMPLE, BUT RATHER AN APPARENTLY KNEE-JERK BRAZILIAN RESISTANCE AND DETERMINATION TO FOREGO SUCH ASSISTANCE. WE BELIEVE HOWEVER, THAT SINCE THE INCEPTION OF THE CARTER ADMINISTRATION, US EMPHASIS ON HUMAN RIGHTS HAS SUCCEEDED IN RAISING THE CONSCIOUSNESS LEVEL IN THE BRAZILIAN GOVERNMENT

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TO NOT ONLY THE HUMAN RIGHTS PROBLEM, BUT ALSO ITS INTERNATIONAL IMAGE IN THIS REGARD, RESULTING IN SOME RESTRAINT IN PRACTICE AND GREATER SENSITIVITY TO VIOLATIONS OCCURRING HERE. U.S. EFFORTS HAVE ALSO LENT CONSIDERABLE ENCOURAGEMENT TO PRIVATE ORGANIZATIONS AND INDIVIDUALS IN BRAZIL WHO HAVE BEEN ACTIVE IN DEFENSE OF HUMAN RIGHTS. WE MUST TAKE CARE THAT IN TYING HUMAN RIGHTS TO OTHER ISSUES PERCEIVED AS HAVING A DIRECT AFFECT ON BRAZIL'S DEVELOPMENT OR "DESTINY" WE DO NOT PROVIDE THE BRAZILIAN GOVERNMENT ANY THE VERY INSTRUMENT FOR DROWING THE HUMAN RIGHTS QUESTION IN AN OUTPOURING OF NATIONALISTIC PRIDE. THE QUESTION OF HUMAN RIGHTS OBSERVANCE HAS ITSELF A POWERFUL NATURAL APPEAL WITHIN BRAZIL. THE QUESTION OF HUMAN RIGHTS OBSERVANCE HAS NATURAL APPEAL WITHIN BRAZIL. THE CASE CAN BE UNDERCUT WHEN DIRECT AND OPEN LINKAGES, WHICH APPEAR TO BE OUTSIDE COERCION OR EFFORTS TO PURSUE OTHER INTERESTS UNDER THE CLOAK OF HUMAN RIGHTS, OCCUR.

D) LIKELY INTERNATIONAL SUPPORT

EFFORTS TO MUSTER INTERNATIONAL SUPPORT FOR DIRECT HUMAN RIGHTS PRESSURES AGAINST BRAZIL ARE LIKELY TO MEET WITH ONLY QUALIFIED SUCCESS-- BARRING A SIGNIFICANT DETERIORATION OF THE SITUATION IN THE FORM OF SEVERE POLITICAL REPRESSION AND A LARGE INCREASE IN GROSS ABUSES AGAINST THE INTEGRITY OF THE PERSON.

MOST LATIN AMERICAN COUNTRIES, FOR REASONS OF LATIN SOLIDARITY, SKELETONS IN THEIR OWN CLOSETS OR SIMPLE RELUCTANCE TO KICK SAND IN THE FACE OF A POWERFUL NEIGHBOR, WILL SIMPLY PASS.

THE COMMON MARKET MEMBERS, INDIVIDUALLY AND AS A GROUP, ARE IN A POSITION TO EXERT SOME CONSTRUCTIVE INFLUENCE, BUT WILL PROBABLY CONTINUE TO SKIRT THE HUMAN RIGHTS ISSUE. GIVEN BRAZIL'S CONSIDERABLE INTERACTION WITH WESTERN EUROPE, ITS PURSUIT OF STILL STRONGER POLITICAL AND ECONOMIC TIES, ITS INTEREST IN EUROPEAN MILITARY EQUIPMENT, AND ITS DESIRE FOR ACCEPTANCE
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AS A "MATURE" AND "RESPONSIBLE" NATION, THE EUROPEANS COULD JOIN WITH US IN MAKING THE POINT THAT LASTING COOPERATION MUST BE BASED ON SHARED RESPECT FOR HUMAN VALUES. WE SHOULD AT LEAST CONSIDER INFORMAL CONSULTATIONS WITH OUR EUROPEAN FRIENDS IN THIS REGARD. WE SHOULD ALSO NOTE EVIDENCE OF A GROWING CONCERN IN THE EEC ABOUT HUMAN RIGHTS IN BRAZIL AS A POSITIVE AND HELPFUL DEVELOPMENT.

AT THIS TIME, HOWEVER, ONLY GREAT BRITAIN HAS PUBLICLY SUPPORTED OUR GENERAL HUMAN RIGHTS POLICY. AND, WITH RESPECT TO BRAZIL, THE BRITISH APPARENTLY BELIEVE THAT GEISEL'S IMPROVEMENTS IN THE TREATMENT OF POLITICAL PRISONERS CONSTITUTE A SUFFICIENTLY

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HOPEFUL TREND THAT HUMAN RIGHTS CONCERNS SHOULD BE PURSUED BY STRENGTHENING BILATERAL TIES WHICH WILL PERMIT QUIET DIPLOMATIC INFLUENCE, RATHER THAN BY OPEN PRESSURES FOR MORE SWEEPING REFORMS.

IN THIS CONTEXT, IT SHOULD BE REMEMBERED THAT AS RECENTLY AS EARLY 1976, THE U.S. REPRESENTATIVE TO THE U.N. HUMAN RIGHTS COMMISSION, ARGUED IN VAIN FOR A COMMISSION STUDY OF ALLEGED HUMAN RIGHTS VIOLATIONS IN BRASIL. IN THIS CLOSED SESSION, ONE OR TWO OTHER REPRESENTATIVES SUPPORTED THE STUDY, BUT THE COMMISSION AS A WHOLE--INCLUDING WESTERN EUROPEAN COUNTRIES--DECIDED TO DROP THE BRAZIL CASE.

E) OPTIONS (INCLUDING ACTIONS IN IFI'S) AND RECOMMENDATIONS

THE ATTITUDES CITED ABOVE CAN ALSO BE EXPECTED TO MILITATE AGAINST SUPPORT FOR LINKING BRAZILIAN HUMAN RIGHTS IMPROVEMENTS TO IFI DELIBERATIONS. IN ADDITION THERE ARE OTHER FACTORS LIMITING THE EFFECTIVENESS OF THIS TACTIC. IN MANY INSTANCES, THE US ALONE DOES NOT HAVE THE VOTING POWER TO UNILATERALLY BLOCK IFI LOANS. MOREOVER, THERE ARE A NUMBER OF COUNTRIES WHICH CONSIDER THE INTRODUCTION OF HUMAN RIGHTS CONCERNS IN THESE INSTITUTIONS TO BE INAPPROPRIATE; THIS SENTIMENT IS LIKELY TO BE INCREASED TO THE DEGREE THAT WE BROADEN THE BASIS FOR SUCH ACTION FROM CONCERN
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OVER A GOVERNMENT'S WIDESPREAD AND GROSS VIOLATIONS OF CORE HUMAN RIGHTS, TO CONSIDERATIONS OF THE ADEQUACY OF POLITICAL INSTITUTIONS AND FREEDOMS. WHILE US NEGATIVE ACTION MIGHT IN SOME VERY FEW CASES ALLOW US TO BLOCK A LOAN AND WOULD AT MINIMUM CLEARLY MAKE KNOWN OUR POSITION, IT WOULD UNDOUBTEDLY STIR UP RESENTMENTS, CLOAKED IN THE LANGUAGE OF ECONOMIC NATIONALISM, WHICH COULD SERVE AS A GOVERNMENT INSTRUMENT FOR UNDERCUTTING CONSTRUCTIVE INTERNAL PRESSURES FOR CHANGE.

IN THE CASE OF BRAZIL, THE MOST PROMISING MEANS OF ENCOURAGING IMPROVED HUMAN RIGHTS PRACTICES WOULD APPEAR TO BE CONTINUED--AND INTENSIFIED--DIPLOMATIC EXCHANGES, INCLUDING THOSE AT THE HIGHEST LEVELS IN WASHINGTON. WE SHOULD CONTINUE AND EXPAND REFERENCES TO US HUMAN RIGHTS CONCERNS IN OUR MILITARY--TO-MILITARY CONTACTS. IN SUCH EXCHANGES, WE WOULD SEEK TO IMPART AN UNDERSTANDING THAT OUR CONCERNS STEM FROM A BROAD BASE OF WESTERN LEGAL TRADITION AND VALUES AND BINDING INTERNATIONAL

OBLIGATIONS, AND THAT A COUNTRY'S RESPECT FOR HUMAN RIGHTS IS CONSISTENT WITH -- AND EVEN SUPPORTIVE OF -- NATIONAL SECURITY AND STABILITY AND THE MAINTENANCE OF STATURE AND INFLUENCE IN THE WORLD COMMUNITY.

2. PRINCIPAL BRAZILIAN REACTIONS TO US POLICIES/EMBASSY ACTIONS:

A) BRAZILIAN REACTIONS

IN GENERAL TERMS, BRAZIL REMAINS SUSPICIOUS OF THE SINCERITY AND REAL INTENT OF OUR POLICIES. I.E., BRAZILIAN OFFICIALS SEEM TO HAVE GENUINE DIFFICULTY IN UNDERSTANDING "WHAT'S IN IT FOR THE US" IN PUSHING HUMAN RIGHTS QUESTIONS, PARTICULARLY WITH FRIENDLY GOVERNMENTS--UNLESS IT IS A DISGUISED PRESSURE IN PURSUIT OF SOME OTHER INTEREST (E.G. A US DESIRE TO DISCREDIT BRAZIL INTERNATIONALLY IN ORDER TO DIMINISH ITS ABILITY TO DEFEND ITS NUCLEAR AGREEMENT WITH THE
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FRG). BECAUSE OUR POLICY MAKES LITTLE SENSE TO THEM IN PRAGMATIC TERMS, BARRING THE MACHIAVELLIAN INTERPRETATION CITED ABOVE, THEY ALSO BELIEVE IT IS TRANSITORY. AND, THEY BELIEVE IT IS DISCRIMINATORY. BRAZILIANS SEE OUR MILITARY ASSISTANCE CURBS AGAINST URUGUAY AND ARGENTINA, BUT NOT AGAINST SOUTH KOREA, AS INDICATIVE OF A BASIC INCONSISTENCY IN OUR POLICY. FINALLY, BRAZIL RESENTS ANY ATTEMPT--PERCEIVED OR IMPLIED--TO GROUP IT WITH THE MORE SERIOUS AND CONSISTENT VIOLATORS OF HUMAN RIGHTS.

OFFICIAL BRAZILIAN OBJECTIONS TO OUR HUMAN RIGHTS POLICY HAVE CENTERED SPECIFICALLY ON THE PREPARATION AND CONTENT OF THE HUMAN RIGHTS REPORT SUBMITTED TO CONGRESS IN MARCH 1977 ;IN COMPLIANCE WITH SECTION 502(B) OF THE FOREIGN ASSISTANCE ACT. THE BRAZILIAN GOVERNMENT CLAIMED INTERFERENCE IN INTERNAL AFFAIRS. IT RENOUNCED ANY US SECURITY ASSISTANCE TIED TO SUCH REPORTS AND DENOUNCED THE 1952 US-BRAZIL MUTUAL DEFENSE ASSISTANCE AGREEMENT. PRIVATELY AND UNOFFICIALLY, BRAZILIANS HAVE LOBIED US MILITARY AND AMERICAN BUSINESSMEN FOR THEIR SUPPORT AGAINST A HUMAN RIGHTS POLICY WHICH THEY BELIEVE DISCRIMINATES AGAINST BRAZIL.

NOW THAT THE FUROR OVER THE REPORT AND THE BRAZILIAN "REJECTION-HAS EASED SOMEWHAT, THE GOB REACTIONS HAVE BEEN QUESTIONED WITHIN THE GOVERNMENT AS POSSIBLY BEING PRECIPITATE.

MOREOVER, THE GOVERNMENT NEVER REALLY SUCCEEDED IN MOBILIZING GENERAL PUBLIC OPINION IN SUPPORT OF ITS CLAIM THAT THE DEPARTMENT'S REPORT INTERFERED IN BRAZIL'S INTERNAL AFFAIRS. ON THE CONTRARY, THE EFFECT OF THE GOVERNMENT'S NATIONALISTIC REACTION WAS TO DRAMATIZE THE US GOVERNMENT'S CONCERN FOR HUMAN RIGHTS IN ALL COUNTRIES, WHICH IN TURN HAS STRENGTHENED THE POSITIONS OF HUMAN RIGHTS PROPONENTS WITHIN THE BRAZILIAN GOVERNMENTAL STRUCTURE ITSELF. INTENSIFIED HUMAN RIGHTS AS A RALLYING POINT IN THE CURRENT

UPSURGE OF DEMAND FOR POLITICAL LIBERALIZATION, ANND GIVEN HEART
TO THE HUMAN RIGHTS LOBBY IN THE OPPOSITION, THE CHURCH, THE
UNIVERSITIES AND THE LIBERAL PROFESSIONS. WE WOULD CAUTION,
HOWEVER, THAT A STRONG NATIONALISTIC SENTIMENT OVER US PRESSURES
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AGAINST THE FRG-GOB NUCLEAR ACCORD HAS IN PAST OFFSET THE SUCCESSES
OF OUR HUMAN RIGHTS POLICY.

THE INTERNATIONAL ATTENTION GIVEN TO HUMAN RIGHTS, AND THE
POSSIBLE IMPLICATIONS FOR THE FRT-GOB NUCLEAR AGREEMENT HAVE ALSO
MADE THE BRAZILIAN GOVERNMENT EVEN MORE CONCERNED ABOUT ITS IMAGE
AND THE POSSIBLE INTERNATIONAL REPERCUSSIONS OF ITS DOMESTIC
MEASURES. THIS IS BELIEVED TO HAVE PLAYED A SIGNIFICANT ROLE
IN DETERRRRING THE GOVERNMENT FROM TAKING DIRECT PUNITIVE MEASURES
AGAINST THE OPPOSITION IN APRIL, FOLLOWING THE CONGRESS' REFUSAL
TO ENDORSE THE GOVERNMENT'S JUDICIAL REFORM PROPOSAL. IT WAS
ALSO A FACTOR IN INITIAL ORDERS TO SECURITY FORCES TO USE MINI-
MUM NECESSARY FORCE IN CONFRONTING THE MAY-JUNE STUDENT DEMONSTRATIONS.

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B) US EMBASSY ACTIONS

MUCH OF THE EMBASSY'S EFFORT HAS BEEN DEVOTED TO GIVING SUPPORT
AND ENCOURAGEMENT IN AN UNPUBLICIZED WAY TO THE -HUMAN RIGHTS

COALITION" IN BRAZIL; THIS HAS TAKEN THE FORM OF REGULAR PERSONAL CONTACT, INTERNATIONAL VISITOR GRANTS AND PUBLIC AFFAIRS PROGRAMS, THE INCLUSION OF PROMINENT MEMBERS OF THE COALITION IN OFFICIAL SOCIAL EVENTS --INCLUDING THOSE ATTENDING THE VISITS OF PROMINENT US OFFICIALS. ACCORDING TO THE EMBASSY, THE COALITION WELCOMES THESE INITIATIVES AND PROBABLY PERCEIVES, RIGHTLY OR WRONGLY, THAT THEY SERVE AS AN EXTRA MEASURE OF PROTECTION AGAINST RECRIMINATIONS BY SECURITY FORCES. IN ADDITION, THE EMBASSY HAS MADE NUMEROUS REPRESENTATIONS OVER THE YEARS TO GOB OFFICIALS AT VARYING LEVELS OF THE GOVERNMENT.

US HUMAN RIGHTS POLICY HAS ALSO BEEN A SUBJECT OF DISCUSSION IN MEETINGS BETWEEN THE SECRETARY AND FOREIGN MINISTER SILVEIRA, IN ASSISTANT SECRETARY TODMAN'S RECENT TALKS WITH OFFICIALS IN BRASILIA, AND IN MRS. CARTER'S JUNE 6-7 CONSULTATIONS WITH BOTH PRESIDENT GEISEL AND THE FOREIGN MINISTER. BOTH VISITS SERVED HELPFULLY TO PUT US POLICY ON HUMAN RIGHTS INTO GLOBAL PERSPECTIVE.

3. EVALUATION OF EFFECTS

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THE INCIDENTS OF RELATIVE RESTRAINT BY THE BRAZILIAN GOVERNMENT AND THE ENCOURAGEMENT OF PROGRESSIVE FORCES AND GROUPS WITHIN BRAZIL CAN BE CONSIDERED A NET POSITIVE EFFECT FROM OUR INCREASED EMPHASIS ON HUMAN RIGHTS AND THE RESULTING IMPACT (REMAINDER OF LINE DROPPED IN OUR COPY OF REPORT)...
IN TERMS OF AN IMMEDIATE EFFECT.

OVER A SOMEWHAT LONGER TERM, SOBER THOUGHT MUST BE GIVEN TO THE POSSIBLE REPRISALS OR OTHER ADVERSE CONSEQUENCES WHICH HUMAN RIGHTS/CIVIL LIBERTIES ADVOCATES IN BRAZIL COULD EXPERIENCE IF THEY EMBARK ON MORE OPEN AND VOCAL OPPOSITION TO THE GOVERNMENT BASED ON THE ENCOURAGEMENT DERIVED FROM THE US GOVERNMENT'S HIGHER HUMAN RIGHTS PROFILE. WE SHOULD ALSO CONSIDER APPROPRIATE USG RESPONSES IF WE CONSIDER SUCH ACTION A CHALLENGE TO OUR INTERESTS HERE. THE RESTRAINING FACTOR OF INTERNATIONAL OPINION NOTWITHSTANDING, THE BRAZILIAN GOVERNMENT HAS RECENTLY ACTED DECISIVELY TO FURTHER RESTRICT POLITICAL RIGHTS AND TO CONTAIN STUDENT DEMONSTRATIONS, IT IS CLEAR THE GOVERNMENT WILL DO WHAT IT CONSIDERS ESSENTIAL TO MAINTAINING POLITICAL "STABILITY" AND INTERNAL SECURITY. IF IT DOES MOVE TOWARDS A MORE BLATANT REPRESSION OF OPPOSITION, THE ABILITY OF THE US TO EXERCISE A PROTECTIVE ROLE WOULD BE EXTREMELY LIMITED.

4. EVALUATION OF POSSIBLE US ACTIONS

A) IMPACT ON OTHER US INTERESTS

GIVEN THE RECENT TENSIONS IN OUR BILATERAL RELATIONSHIP, WE MUST TAKE CARE THAT OUR REPRESENTATIONS ON HUMAN RIGHTS DO NOT FURTHER

STIR RESENTMENT TO THE POINT WHERE WE NOT ONLY STRENGTHEN THE POSITION OF THE HARDLINE MILITARY WHO ARE PRESSING THE PRESIDENT FOR A FREER HAND IN COMBATTING "SUBVERSION", BUT ADVERSELY AFFECT OTHER INTERESTS AS WELL. SUCH RESENTMENTS WOULD SEVERELY
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REDUCE THE ALREADY TOUCHY PROSPECTS FNI REACHING A SATISFACTORY SOLUTION TO OUR DIFFERENCES WITH BRAZIL ON NUCLEAR POLICY-- AN ISSUE OF CONSIDERABLE CONSEQUENCE TO WORLD SECURITY. EXTREME REACTIONS TO OPEN CONDEMNATION OF THE REGIME COULD ALSO AFFECT OUR LARGE INVESTMENT AND TRADE STAKE IN BRAZIL WITHOUT COMMENSURATE BENEFITS TO THE HUMAN RIGHTS SITUATION. SUCH REACTIONS MAY ALSO FURTHER REDUCE THE ALREADY LIMITED SUPPORT TO BE GAINED FROM BRAZIL FOR US POSITIONS IN MULTILATERAL FORA, AND BRAZIL'S CONSTRUCTIVE INFLUENCE ON LATIN AMERICAN NEIGHBORS AND OTHER THIRD WORLD COUNTRIES.

MUCH OF THIS BACKLASH AGAINST US INTERESTS WOULD BE COSTLY TO BRAZIL ITSELF--BUT IT CANNOT BE RULED OUT FOR THIS REASON. THE BRAZILIAN GOVERNMENT'S TENDENCY WILL BE TO DIG IN ITS HEELS UNDER DIRECT AND OVERT PRESSURES ON HUMAN RIGHTS ISSUES. THIS IS PARTICULARLY TRUE IF THE THESIS SET FORTH IN SECTION B.1-D) -- LIMITED INTERNATIONAL SUPPORT FOR DIRECT MEASURES AGAINST BRAZIL--PROVES ACCURATE.

B) LIKELIHOOD OF BRAZILIAN SUPPORT FOR EFFORTS THROUGH GOVERNMENTAL AND NON-GOVERNMENTAL INTERNATIONAL ORGANIZATIONS:
BRAZIL HAS CONTINUED TO SUPPORT INTERNATIONAL INITIATIVES IN HUMAN RIGHTS BY MULTILATERAL ORGANIZATIONS IN GENERAL TERMS, CALLING FOR EVEN-HANDED TREATMENT OF COUNTRIES ON EITHER SIDE OF THE POLITICAL SPECTRUM. CLAIMING THAT SUCH IMPARTIALITY HAS NOT CHARACTERIZED INITIATIVES TO DATE, BRAZIL HAS BEEN WARY OF SUPPORTING COUNTRY-SPECIFIC SANCTIONS WHICH THEY CALL INQUISITORIAL. IN ADDITION, THE BRAZILIAN GOVERNMENT CITES CONCEPTUAL AND JURIDICAL CONCERN OVER INTERFERENCE IN INTERNAL AFFAIRS. ALTHOUGH THESE ARGUMENTS ARE TO A POINT SINCERELY HELD VIEWS OF BRAZILIAN OFFICIALS, THERE IS LITTLE DOUBT THAT A MAJOR REASON FOR BRAZILIAN RELUCTANCE TO SUPPORT COUNTRY-SPECIFIC INITIATIVES-OR BROADER

MEASURES THAT WILL LEAD TO SUCH INITIATIVES (SUCH AS STRENGTHENING THE IAHRG)--IS A RECOGNITION OF BRAZIL'S OWN VULNERABILITY, IF SUBJECTED TO CRITICAL SCRUTINY.END QUOTE.
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